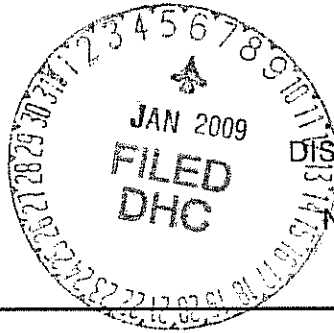


NORTH CAROLINA  
WAKE COUNTY



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
09 DHC 1

THE NORTH CAROLINA STATE BAR,  
Plaintiff

v.

CHRISTOPHER DEAN JOHNSON, Attorney,  
Defendant

COMPLAINT

Plaintiff, complaining of Defendant, alleges and says:

1. Plaintiff, the North Carolina State Bar (hereinafter "State Bar"), is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar promulgated thereunder.

2. Defendant, Christopher Dean Johnson (hereinafter "Defendant"), was admitted to the North Carolina State Bar on March 22, 2003 and is, and was at all times referred to herein, an Attorney at Law licensed to practice in North Carolina, subject to the rules, regulations, and Revised Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

Upon information and belief, the State Bar alleges:

3. During the times relevant to this complaint, Defendant actively engaged in the practice of law in the State of North Carolina and maintained a law office in the city of Charlotte, Mecklenburg County, North Carolina.

#### **FIRST CLAIM FOR RELIEF**

4. Paragraphs 1 through 3 are re-alleged and fully incorporated as if set forth herein.

5. In October 2004, Defendant agreed to represent Jordan Hill (hereinafter "Hill") in matters of divorce, alimony, post-separation support, and equitable distribution.

6. During his representation of Hill, Defendant failed to respond to Hill's requests for information and status updates about her case.

7. Defendant prepared a motion for contempt on behalf of Hill against her husband on April 6, 2005.

8. Defendant did not file the motion for contempt until October 10, 2005.

9. In July 2005, Defendant informed Hill that she needed to attend a scheduled hearing on the motion for contempt.

10. Just prior to the purported hearing date, Defendant told Hill that the hearing had been continued by opposing counsel and rescheduled for August 28, 2005.

11. The court had never scheduled a hearing on a motion for contempt.

12. In fact, Defendant had not yet filed the motion for contempt at the time of his representations to Hill about a scheduled hearing on the motion for contempt.

13. Defendant falsely represented to Hill that an Order for Arrest (hereinafter "OFA") had been entered for her husband when no such Order was ever entered.

14. Defendant knew when he represented to Hill that an OFA had been entered for her husband that the representation was false.

15. When Hill requested that she be provided with a copy of the OFA and any related documents, Defendant failed to provide the requested documentation to Hill.

16. When the State Bar inquired of Defendant regarding his false statements to Hill about the hearing, Defendant falsely stated to the Bar that he was unaware of any communication that would lead Hill to believe that there was a hearing on either date.

THEREFORE, the State Bar alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C.G.S. §84-28(b)(2) in that Defendant violated one or more of the Revised Rules of Professional Conduct in effect at the time of the actions as follows:

- (a) By failing to promptly file the motion for contempt on Hill's behalf, Defendant failed to act with reasonable diligence and promptness in representing his client in violation of Rule 1.3, and failed to expedite the litigation consistent with the interests of his client in violation of Rule 3.2;
- (b) By failing to respond to his clients requests for information, Defendant failed to keep his client reasonably informed about the status of the matter in violation of Rule 1.4(a)(3);
- (c) By falsely informing his client that he filed a contempt motion on her behalf, falsely stating that a hearing had been scheduled and falsely stating that an OFA had been issued for his client's husband, Defendant engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c), and engaged in conduct that is prejudicial to the administration of justice in violation of Rule 8.4(d);
- (d) By falsely stating to the Bar that he was unaware of any communication that would lead Hill to believe that a contempt hearing was scheduled Defendant knowingly made a false statement of material fact in connection with a disciplinary matter in violation of Rule 8.1(a).

## SECOND CLAIM FOR RELIEF

17. Paragraphs 1 through 16 are re-alleged and fully incorporated as if set forth herein.

18. Defendant represented the wife of Phillip Stanley (hereinafter "Stanley") in a domestic matter.

19. On February 24, 2006, Defendant filed a complaint for equitable distribution, child support, alimony and custody on behalf of his client in the Stanley matter.

20. The Union County local rules required that Defendant file an equitable distribution affidavit on behalf of his client within ninety (90) days of the filing of the equitable distribution complaint.

21. Defendant failed to file the equitable distribution affidavit on his client's behalf for more than ten (10) months after filing the equitable distribution complaint – well beyond the ninety (90) day filing period required by Union County local rules.

22. Defendant failed to provide the discovery requested by Stanley's attorney for 2 ½ months after making several promises to provide the discovery. Defendant did not provide the discovery until after Stanley's attorney filed a motion to compel.

23. As of January 2007, Defendant failed to prepare and submit to opposing counsel, for comment in accordance with the instructions of the court, the Order which was announced on November 7, 2006 for the temporary child support hearing that took place in October 2006.

24. Defendant filed a last minute motion to continue the status conference on the morning of the conference and then failed to appear for the conference in the matter.

THEREFORE, the State Bar alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C.G.S. §84-28(b)(2) in that Defendant violated one or more of the Revised Rules of Professional Conduct in effect at the time of the actions as follows:

- (a) By failing to file the financial affidavit and discovery in a timely manner, and failing to prepare and submit for comment the temporary child support order Defendant failed to act with reasonable diligence and promptness in representing his client, in violation of Rule 1.3, failed to make reasonable efforts to expedite litigation consistent with the interests of his client in violation of Rule 3.2, and engaged in conduct that is prejudicial to the administration of justice in violation of Rule 8.4(d);
- (b) By failing to attend a required status conference on behalf of his client, Defendant engaged in conduct that is prejudicial to the administration of justice in violation of Rule 8.4(d), and failed to act with reasonable diligence and promptness in representing his client in violation of Rule 1.3.

### THIRD CLAIM FOR RELIEF

25. Paragraphs 1 through 24 are re-alleged and fully incorporated as if set forth herein.

26. Defendant was retained to represent Craig Cousino (hereinafter "Cousino") on August 19, 2006 in domestic matters.

27. Defendant represented Cousino at a hearing regarding post-separation issues held on October 24, 2006.

28. Defendant failed to advise Cousino of the outcome of the hearing and failed to provide him with the Order from the post-separation hearing.

29. After falsely informing Cousino that mediation had been scheduled for February 15, 2007, Defendant informed Cousino that the mediation had been cancelled because mediator Richard Long (hereinafter "Long") had been in a car accident.

30. Defendant falsely informed Cousino that mediation had been rescheduled for May 21, 2007.

31. Defendant knew when he made the representations that Long had been in a car accident and mediation was rescheduled that these statements were false.

32. Defendant later informed Cousino that the mediation had been cancelled again because the opposing party was ill.

33. Defendant knew when he made the representations that the opposing party was ill and mediation was cancelled that these statements were false.

34. Cousino tried unsuccessfully to contact Defendant on numerous occasions between mid-February 2007 and late-May 2007.

35. Defendant failed to respond to Cousino's calls and messages.

36. No mediation had been scheduled for May 21, 2007.

37. Mediator Long had not been in a car accident in February 2007.

38. Mediator Long's office called Defendant attempting to schedule a date for mediation.

39. Defendant did not respond to Mediator Long's telephone calls.

THEREFORE, the State Bar alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C.G.S. §84-28(b)(2) in that Defendant violated one or more of the Revised Rules of Professional Conduct in effect at the time of the actions as follows:

- (a) By failing to respond to requests to schedule mediation, Defendant failed to act with reasonable diligence and promptness in representing his client in violation of

Rule 1.3, and failed to make reasonable efforts to expedite litigation consistent with the interests of his client in violation of Rule 3.2;

- (b) By failing to respond to his clients requests for information, Defendant failed to keep his client reasonably informed about the status of the matter in violation of Rule 1.4(a)(3);
- (c) By falsely informing his client that mediation had been scheduled when it had not and then falsely informing his client that the purported mediation was cancelled, Defendant engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c).

#### **FOURTH CLAIM FOR RELIEF**

40. Paragraphs 1 through 39 are re-alleged and fully incorporated as if set forth herein.

41. In 2007, Defendant was hired to represent Darrell Moore (hereinafter "Moore") in a child and spousal support matter.

42. On May 3, 2008, Defendant appeared in court for a post-separation and temporary child support hearing.

43. Moore was not present at this hearing.

44. At the May 3<sup>rd</sup> hearing, Defendant provided the court and opposing counsel with the required financial affidavit, purportedly signed by Moore.

45. Moore did not sign the financial affidavit prepared and submitted to the court by Defendant.

46. Defendant prepared the affidavit and signed Moore's name to the document, without Moore's knowledge or consent.

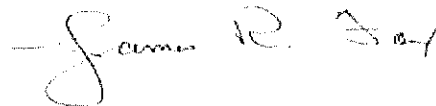
THEREFORE, the State Bar alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C.G.S. §84-28(b)(2) in that Defendant violated one or more of the Revised Rules of Professional Conduct in effect at the time of the actions as follows:

- (a) By signing his client's signature to a financial affidavit and submitting the document to the court as an affidavit signed by his client, Defendant offered evidence known to be false in violation of Rule 3.3(a)(3) and falsified evidence in violation of Rule 3.4(b);
- (b) By submitting a financial affidavit to the court on which Defendant forged his client's signature, Defendant committed a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects in violation of Rule 8.4(b), engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c), and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d).

WHEREFORE, the State Bar prays that

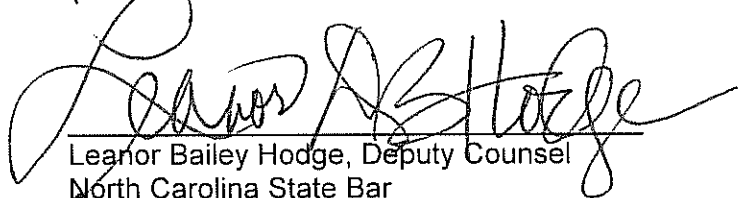
1. Disciplinary action be taken against Defendant in accordance with N.C.G.S. §84-28(c) and 27 N.C.A.C. 1B §.0114 as the evidence on hearing may warrant,
2. Defendant be taxed with the costs permitted by law in connection with this proceeding, and
3. For such other and further relief as is appropriate.

This the 6th day of January 2009.



---

James R. Fox, Chair  
Grievance Committee



---

Lleanor Bailey Hodge, Deputy Counsel  
North Carolina State Bar  
P. O. Box 25908  
Raleigh, NC 27611-5908  
(919) 828-4620